THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24913 of 2006

Dated: 01-12-2006

Between:

P.D. Veluand and another.

..... PETITIONERS

AND

The District Collector, Chittoor, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24913 of 2006

ORDER:

Land admeasuring Ac.1.37 cents in survey No.196/2 situated at Murukambattu Village, Chittoor Mandal and District, was originally assigned to the father and paternal uncle of the petitioner. In subsequent family division, petitioner No.1 got an extent of Ac.0.66 cents and petitioner No.2, who is the daughter-in-law of petitioner's paternal uncle, got Ac.0.78 cents. In connection with Integrated Novel Development In Rural Areas and Model Municipal Areas (INDIRAMMA) programme, lands in said Village, including the land belonging to the petitioners, were proposed to be distributed as house sites. Respondent No.3, namely, the Mandal Revenue Officer (MRO) passed orders on 25-07-2006 resuming lands observing that all the owners/assignees of lands are entitled for

ex gratia in terms of G.O.Ms.No.1307 dated 23-12-1993. The petitioners filed an appeal before respondent No.2 on 22-09-2006 and the same is still pending. Therefore, the petitioners filed instant writ petition assailing the orders of MRO.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is convinced that as the appeal filed by the petitioners is pending before respondent No.2, at this stage it cannot interfere in the matter. This Court, however, observes that as held by the Supreme Court in **LAO-cum-RDO v. Mekala Pandu**[1], when the assigned land is resumed for public purpose like providing house sites to the poor, the Government is under obligation to award compensation in accordance with the principles contained in the Land Acquisition Act, 1894. While considering the appeal filed by the petitioners, RDO should consider this aspect of the matter also. RDO may pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

01st December, 2006
ghn

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[1] 2004(2) ALT 546 (L.B.) = 2004(2) ALD 451 (L.B.)